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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,327	07/29/2003	Takayuki Iida	Q76704	6128
23373 7590 04/23/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER TRAN, NHAN T	
			ART UNIT	PAPER NUMBER
			2622	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/23/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/628,327	<b>Applicant(s)</b> IIDA, TAKAYUKI	
	<b>Examiner</b> Nhan T. Tran	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003 and 21 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 3,7-10 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,11,13 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Species II, Fig. 8 which corresponds to claims 1-2, 4-6, 11, 13-14 in the reply filed on 3/21/2007 is acknowledged. Accordingly, claims 3, 7-10 & 12 are withdrawn from consideration.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

3. The information disclosure statements (IDS) submitted on 7/29/2003 and 12/29/2003 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

### ***Specification***

4. The title of the invention ("Imaging Apparatus") is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Objections***

5. Claims 2, 4 & 13 are objected to because of the following informalities:

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Regarding claim 2, the limitation "...with the wireless communication" in line 17 of page 62 should be changed to --...with the wireless communication **equipment** -- (note claim 4 for consistency).

Regarding claim 4, this claim recites "**the** wireless LAN communication equipment" in line 25 of page 63 to line 1 of page 64. This limitation should be corrected to read as -- **a** wireless LAN communication equipment --.

Regarding claim 13, this claim recites "so as to have the same send the selected image data to the external apparatus" which is grammatically incorrect.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-2, 6, 11, 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Parulski et al. (US 6,573,927).

Regarding claim 1, Parulski discloses an imaging apparatus (digital still camera shown in Fig. 1A) comprising: image capturing means (CCD 20) for obtaining image

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data; image selection means (user buttons 26) for selecting a desired portion of the image data to be sent to an addressee (i.e., service provider or e-mail recipients) that generates printed matter therefrom (Fig. 1B); and image storage means (memory 32 and/or removable memory card 36) for storing the image data obtained by the imaging means and the portion of the image data selected by the image selection means as selected image data (see col. 3, lines 25-59 and note that "image data" is presented by a plurality of captured images stored in memory 32 or 36, and "the portion of the image data" is the selected image for printing or e-mailing, wherein the selected image is also stored in the memory 32 or 36).

Regarding claim 2, Parulski further discloses communication means (wireless communication interface 28) for carrying out data communication with wireless communication equipment (wireless communication network 31; see Figs. 1A & 1B and col. 4, lines 9-15); addressee storage means (also the memory 32 or 36) for storing the addressee (i.e., service provider or e-mail recipients);

The imaging apparatus of Parulski inherently includes authentication information storage means (32, 36 or camera firmware) for storing authentication information (i.e., cellular number, wireless protocol for communication and/or user's account information) that is necessary for the data communication with the wireless communication [equipment] (col. 4, lines 9-16, 29-35); control means (microprocessor 29; col. 2, line 65 – col. 3, line 4) for carrying out judgment as to whether or not the communication means is within a communicable range of the wireless communication equipment (note that

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since the camera uses cellular technology for wireless communication, the communication range is inherently judged by the camera in order for the wireless communication to operate properly; see col. 4, lines 29-30) and for controlling the communication means so as to send the authentication information stored in the authentication information storage means to the wireless communication equipment by carrying out the data communication with the wireless communication equipment in the case where a result of the judgment is affirmative (i.e., when the camera is within the communication range of cellular towers, otherwise no wireless communication is available) and so as to send the selected image data to the addressee via the wireless communication equipment after the wireless communication equipment authenticates (i.e., handshaking to verify wireless protocol and cellular number) the imaging apparatus according to the authentication information (Figs. 1-5 and col. 4, lines 9-16, 29-35).

Regarding claim 6, Parulski discloses an imaging apparatus as analyzed in claim 1 and further discloses image storage means comprising a first storage area (memory banks or sectors of memory 32 or 36 where selected images are currently allocated) for storing the selected image data (the image data selected for printing or e-mailing) and a second storage area (other memory banks or sectors of memory 32 or 36 where all other images are currently allocated) for storing the remaining image data (see Fig. 1A & Fig. 2; col. 3, lines 25-59); and image output means (wireless communication interface 28) for outputting the selected image data to an external apparatus (service

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provider 14 including a printer in shown Fig. 1B) that generates the printed matter, by reading the selected image data from the first storage area (see col. 4, lines 9-16).

Regarding claim 11, it is also clear in Parulski that the imaging apparatus further comprises order information generation means (combined microprocessor 29 and user buttons 26) for generating order information (i.e., print order information) representing the content of an order regarding the selected image data, wherein the image output means is means for outputting the order information together with the selected image data (see Fig. 2 and col. 4, lines 9-16 and col. 3, lines 45-59).

Regarding claim 13, the limitations of this claim are also met by the analyses of claims 6 & 2.

Regarding claim 14, Parulski discloses an imaging apparatus comprising:  
a camera housing (indicated by camera 12 shown in Fig. 1A, col. 2, line 55);  
an image capturing system (CCD 20) provided in the housing for obtaining image data (Fig. 1A); a manually operable print order button (user button 26) provided on the camera body for selecting a desired portion of the image data to be sent to an addressee (i.e., service provider 14 shown in Fig. 1B) that generates printed matter therefrom; and an image output system (communication interface 28) provided in the camera body for outputting the selected image data to the addressee that generates the printed matter (see col. 3, lines 25-59 and col. 4, lines 9-16).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 & 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. (US 6,573,927) in view of Onishi et al. (US 2004/0239772).

Regarding claim 4, Parulski discloses all limitations of claim 4 for communication means, addressee storage means, authentication information storage means and control means which are incorporated in the digital camera 12 as analyzed in claims 1 & 2. Parulski does not explicitly disclose a data communication apparatus connected to an imaging apparatus, wherein the data communication apparatus comprises those means.

However, Parulski suggests that the camera could be connected to a wireless modem by a docking unit (col. 4, lines 9-16, 35-36). In another reference to Onishi, it is well known in the art that a docking unit (0400 shown in Fig. 4) is constructed as a communication apparatus connected to a digital camera for carrying out wireless communication with a wireless communication equipment by reading image data from image storage means of the digital camera and sending to a printing center (see [0032] & [0034]), wherein the docking unit also comprises addressee storage means



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(destination acquisition unit 0402), an inherent authentication information storage unit (firmware for storing wireless communication protocol in compliance with mobile phone technology; see [0032]; note the Examiner's comment in claim 2) for the docking unit to perform wireless communication, and an inherent control means for controlling the communication means to send the image data to a printing center for printing as long as the camera and docking unit are within a wireless communication range (Onishi, Fig. 4; paragraphs [0032] [0034]-[0035]). By providing a separate wireless docking unit for the camera, the circuit structure of the camera is simplified, thereby reducing cost while providing a compact structure for the camera.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the imaging system of Parulski in view of the teaching of Onishi to arrive at the Applicant's claimed invention so that the number of electrical components in the camera would be reduced, thereby reducing cost while providing a compact structure for the camera.

Regarding claim 5, Onishi further teaches that the docking unit includes recharging means (0503 shown in Fig. 5) for recharging the camera so that the user does not need to carry multiple batteries with the camera as disclosed in paragraphs [0038]-[0039].

Therefore, it would have been obvious to one of ordinary skill in the art combine the teachings of Parulski and Onishi to implement a recharging means in the

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communication apparatus for recharging the imaging apparatus so that the user would not need to carry multiple batteries with the camera.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (571) 272-7371. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



NHAN T. TRAN  
Patent Examiner